

REMARKS

Claims 1, 2, 4-9, 11-13 and 15-32 are pending in this application. By this Amendment, claims 1, 8, 11, 13, 22, 25 and 26 are amended, and claims 3, 10 and 14 are canceled. Claims 22, 25 and 26 are amended to address claim rejections under 35 U.S.C. 112. Claim 26 is amended to amend dependency from canceled claim 3. Claims 11 and 13 are amended to address claim objections by the Patent Office.

No new matter is added to the application by this Amendment. The new features added to claim 1 find support in the specification, as originally filed, at, for example, page 3, lines 5-9 and page 6, lines 11-17. The new features added to claim 8 find support in the specification, as originally filed, at, for example, page 4, lines 15-22. The new features added to claim 22 find support in, for example, Examples 1-3 of the specification, as originally filed, and at page 3, lines 5-9 and page 6, lines 11-17.

Reconsideration of the application is respectfully requested.

I. Rejection Under 35 U.S.C. 112

Claims 3, 22, 25 and 26 were rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. This rejection is respectfully traversed.

In view of the cancelation of claim 3, this rejection is moot with respect to this claim.

The Patent Office alleges that claims 22, 25 and 26 recite the feature "said at least one flame retardant" and that there is insufficient basis for such a limitation in claim 1, from which claims 22, 25 and 26 depend.

Claims 22, 25 and 26 were amended to recite the feature "the flame retardant component" as specifically defined in claim 1. Applicants submit that sufficient

antecedent basis exists for this feature in present claim 1. Accordingly, Applicants also submit that amended claims 22, 25 and 26 overcome the rejections under 35 U.S.C. 112, second paragraph.

Thus, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. 112, second paragraph.

II. Claim Objection

Claims 4, 8, 10-12 and 14 were objected to for alleged failure to comply with 37 CFR 1.75(c) and for alleged informalities.

In view of the cancelation of claims 10 and 14, this objection is moot with respect to those claims.

Claim 4 was objected to for informalities because the Patent Office requests the spelling of "N-substituted amide" to be corrected. Additionally, the Patent Office alleges that the term "substituted" is not exactly or specifically defined in the specification. Applicants respectfully disagree with this allegation.

Claim 4 does not include a feature directed to a substituted amide as alleged by the Patent Office. Applicants assume that the Patent Office was referring to claim 13 which recites "N-alkyl-substituted amides." In view of the objection, claim 13 was amended to recite "N-substituted amides" as requested by the Patent Office and as set forth in the present specification at, for example, page 4, lines 10-13. Moreover, one of ordinary skill in the art would have known at the time of the invention that the phrase "N-substituted amides" refers to an amide having an alkyl group substitution on the nitrogen atom thereof.

Claim 8 was objected to for informalities because allegedly claim 8 contains a

grammatical error. Claim 8 was amended to recite "said C₁ to C₃₀ alkyl radicals comprise alkyl groups of 4 to 14 carbon atoms" as set forth in the specification, as originally filed, at, for example, page 4, lines 15-22.

Claims 11 and 12 were objected to as being alleged duplicates of claims 6 and 8, respectively. Claim 11 was amended to depend from claim 2. Thus, claims 11 and 12 are not duplicates of claims 6 and 8.

In view of the amendments to claims 8 and 11-13 and the cancellation of claims 10 and 14, Applicants submit that the claim objections are moot.

Accordingly, withdrawal of the objections to the claims is respectfully requested.

III. Rejections Under 35 U.S.C. 102

A. Boyce et al.

Claims 1, 2, 4, 6, 8, 10-12, 16, 18, 22-25 and 32 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by EP 0 018 643 to Boyce et al. (hereinafter "Boyce"). Applicants respectfully traverse this rejection.

In view of the cancelation of claim 10, this rejection is moot with respect to that claim.

The Patent Office alleges that Boyce discloses each and every feature recited in claims 1, 2, 4, 6, 8, 10-12, 16, 18, 22-25 and 32. Applicants respectfully disagree with this allegation.

Nowhere does Boyce disclose a flame-retardant pressure-sensitive adhesive (claim 1) or a process for producing a flame-retardant pressure-sensitive adhesive (claim 22) comprising a flame retardant component consisting of ammonium polyphosphate, wherein said flame retardant component is the sole flame retardant

component in the pressure-sensitive adhesive, wherein the flame retardant component comprises at least 25% by weight of the adhesive and no greater than 60% by weight of the adhesive as required in amended claims 1 and 22.

Amended claims 1 and 22 include the features of canceled claim 3, which was not rejected by the Patent Office under 35 U.S.C. §102(b) as allegedly being anticipated Boyce. By failing to reject claim 3, the Patent Office acknowledges that Boyce does not teach or suggest the features set forth in amended claims 1 and 22.

Boyce discloses a procedure of producing a sealant by adding ammonium polyphosphate to a hotmelt containing ethylene, methyl acrylate and at least one carboxylated unsaturated monomer (see the Abstract of Boyce). Applicants submit that the sealant produced according to Boyce is not a pressure sensitive adhesive as required by the present claims. Even if tackifiers and plasticizers are added to the sealant compositions of Boyce, those sealant compositions will not obtain or exhibit adhesive properties.

Boyce also discloses the ammonium polyphosphate added to the hotmelt is between 0.05 and 10 phr (also see the Abstract of Boyce). Moreover, Examples 1-8 of Boyce have ammonium polyphosphate in an amount of 0.2 to 8.0 parts by weight. Thus, Boyce fails to teach or suggest using the ammonium polyphosphate in an amount greater than 10 phr.

Boyce teaches addition of ammonium polyphosphate to a masterbatch in this relatively small (0.05 – 10 phr) amount to overcome an undesirable instability, such as an increase in viscosity and/or an undergoing of gelation caused by mixing the masterbatch at temperatures above 205 °C (see page 4, lines 4-24 of Boyce).

Additionally, Boyce teaches that addition of ammonium polyphosphate to the hotmelt results in sealant compositions that demonstrate a superior viscosity stability as compared with compositions without ammonium polyphosphate but which are otherwise equivalent (see page 16, lines 15-20 of Boyce). Thus, Boyce does not teach or suggest that addition of ammonium polyphosphate influences flame-retardence of the sealant compositions. Moreover, Boyce teaches that the flame-retardence of a sealant composition having 0.05 to 10 phr of ammonium polyphosphate would be the same as the flame-retardence of a sealant composition that does not include ammonium polyphosphate.

Because the features of independent claims 1 and 22 are neither taught nor suggested by Boyce, Boyce cannot anticipate, and would not have rendered obvious, the features specifically defined in claims 1 and 22 and their dependent claims.

For at least these reasons, claims 1, 2, 4, 6, 8, 11, 12, 16, 18, 22-25 and 32 are patentably distinct from and/or non-obvious in view of Boyce. Reconsideration and withdrawal of the rejection of the claims under 35 USC 102(b) are respectfully requested.

A. Pufahl

Claims 1-4, 6-8, 10-12, 14-19, 21-25, 27, 29 and 31 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated U.S. Patent No. 4,699,824 to Pufahl. Applicants respectfully traverse this rejection.

In view of the cancelation of claims 3, 10 and 14, this rejection is moot with respect to those claims.

The Patent Office alleges that Pufahl discloses each and every feature recited in claims 1-4, 6-8, 10-12, 14-19, 21-25, 27, 29 and 31. Applicants respectfully disagree with these allegations.

Nowhere does Pufahl disclose a flame-retardant pressure-sensitive adhesive (claim 1), a flame-retardant pressure-sensitive adhesive tape (claim 19) or a process for producing a flame-retardant pressure-sensitive adhesive (claim 22) comprising a flame retardant component consisting of ammonium polyphosphate, wherein said flame retardant component is the sole flame retardant component in the pressure-sensitive adhesive, wherein the flame retardant component comprises at least 25% by weight of the adhesive and no greater than 60% by weight of the adhesive as required in claims 1, 19 and 22.

In contrast, Pufahl teaches, as acknowledged by the Patent Office, that the flame retardant is incorporated in an amount of 60 to 150% (see page 6 of the Office Action and col. 17, lines 24-27 of Pufahl). Thus, Pufahl does not teach or suggest that the flame retardant component comprises at least 25 % by weight of the adhesive and no greater than 60% by weight of the adhesive as specifically defined in claims 1, 19 and 22.

Because the features of independent claims 1, 19 and 22 are neither taught nor suggested by Pufahl, Pufahl cannot anticipate, and would not have rendered obvious, the features specifically defined in claims 1, 19 and 22 and their dependent claims.

For at least these reasons, claims 1, 2, 4, 6-8, 11, 12, 15-19, 21-25, 27, 29 and 31 are patentably distinct from and/or non-obvious in view of Pufahl. Reconsideration

and withdrawal of the rejection of the claims under 35 USC 102(b) are respectfully requested.

IV. Rejection Under 35 U.S.C. 103

Claims 5, 9, 13, 20, 26, 28 and 30 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Pufahl in view of Boyce. This rejection is respectfully traversed.

Boyce does not remedy the deficiencies of Pufahl as set forth above with respect to independent claim 1, from which claims 5, 9, 13, 20, 26, 28 and 30 directly or indirectly depend.

Neither Pufahl nor Boyce, taken singly or in combination, teaches or suggests a flame retardant component consisting of ammonium polyphosphate, wherein said flame retardant component is the sole flame retardant component in the pressure-sensitive adhesive, wherein the flame retardant component comprises at least 25% by weight of the adhesive and no greater than 60% by weight of the adhesive as required by amended claim 1.

Because the features of independent claim 1 are neither taught nor suggested by Pufahl and Boyce, taken singly or in combination, these references cannot anticipate, and would not have rendered obvious to one of ordinary skill in the art, the features specifically defined in claim 1 and its dependent claims.

For at least these reasons, claims 5, 9, 13, 20, 26, 28 and 30 are patentable over Pufahl and Boyce. Thus, withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 2, 4-9, 11-13 and 15-32 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Early and favorable action is earnestly solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,
NORRIS MCLAUGHLIN & MARCUS, P.A.

By /Brian C. Anscomb/
Brian C. Anscomb
Reg. No. 48,641
875 Third Avenue, 18th Floor
New York, New York 10022
Phone: (212) 808-0700
Fax: (212) 808-0844